

REGISTER OF CLASSIFICATION DECISIONS

Date of entry in Register:	04 March 1999
Name of applicant/court:	The District Court at Napier
Applicant to the Labelling Body:	Not Applicable
Title of Publication:	Nu06.jpg
Other Known Titles:	Not Stated
Director:	Not Applicable
Producer:	Not Applicable
Publisher:	Not Stated
Author:	Not Applicable
Format:	Computer Printout
Country of Origin:	Not Stated
Language:	English

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Components of film originally examined: Not Applicable.

Feature:	Running time:
Trailers:	Running time:
	Total Running time:

Excision/Alteration: Not Applicable.

Reason(s) for Excision:

Not Applicable.

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Classification Decision:

Objectionable.

Display Conditions:

Not Applicable.

Descriptive Note:

Not Applicable.

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Direction to issue a label has been given on: Not Applicable.

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SUMMARY OF THE REASONS FOR DECISION:

The computer printout entitled *Nu06.jpg* is classified as:
Objectionable.

The publication is a computer printout of a computer file onto a single sheet of A4 size white paper. It consists of a colour photographic image and text.

The computer printout shows a woman in a nurse's uniform lying on her side on a medical examination table. Her jacket is undone and her legs are apart. Her bra and underwear are visible. A hand holds a large knife by her crotch and thigh area. The knife is being used to cut the stockings she is wearing. The woman has her face pressed hard against the table. She has her eyes closed and grimaces. She appears very frightened.

The computer printout clearly gives the impression that the woman is not consenting to the activity. The woman appears very distressed. The computer printout presents sexual violence and coercion in a manner intended to sexually arouse the viewer. It focuses upon and sexualises the fear and lack of consent of the woman in such a manner that it implicitly suggests that to coerce a person at knifepoint into submitting to sexual activity is sexually arousing. The publication is therefore considered to promote and support the use of violence and coercion to compel people to participate in, or submit to, sexual conduct as outlined under s3(2)(b) of the Films, Videos, and Publications Classification Act 1993 (FVPC Act) and is therefore deemed to be objectionable.

The publication falls under s3(2) of the FVPC Act which overrides the New Zealand Bill of Rights Act 1990 (NZBR Act) because it is a deeming provision which cannot be given a meaning that is consistent with the rights and freedoms contained in s14 of the NZBR Act. As such if the Classification Office considers that the publication promotes or supports criteria listed in s3(2), the publication shall be deemed "objectionable" without any further consideration of the NZBR Act. This limit on freedom of expression is prescribed by law.

OFLC Ref: 9801438